

05-9264 JAMES, JR. V. UNITED STATES

QUESTIONS PRESENTED

~~Issue I~~

~~Whether the Eleventh Circuit erred by holding that a state drug conviction, which did not necessarily involve manufacturing, distributing, or possessing with intent to manufacture or distribute, qualified as a serious drug offense under 18 U.S.C. § 924(e), in violation of *Taylor v. United States*, 495 U.S. 575 (1990), and *Shepard v. United States*, 544 U.S. 13 (2005).~~

Issue II

Whether the Eleventh Circuit erred by holding that all convictions in Florida for attempted burglary qualify as a violent felony under 18 U.S.C. § 924(e), creating a circuit conflict on the issue.

~~Issue III~~

~~Whether the felon-in-possession statute, 18 U.S.C. § 922(g), is facially invalid because Congress failed to define commerce as interstate or foreign commerce. Additionally, whether the statute is unconstitutional because Congress acted beyond the power of the commerce clause by failing to require a substantial nexus.~~

Cert. Granted 6/12/06

Limited to Question 2 presented by the petition.